

FORTY-FIRST DAY.

SENATE CHAMBER,
AUSTIN, TEXAS, Thursday, Nov. 2, 1871. }

Senate met pursuant to adjournment. Senator Baker presiding.
Roll called. Quorum present.

Absent—Senators Broughton, Cole, Dillard, Flanagan, Fountain and Pyle.

Absent, excused—President Campbell and Senator Hertzberg.

Prayer by the Rev. Mr. Dodge.

Journal of yesterday read and adopted.

Senator Flanagan, President *pro tem.*, resumed the chair.

PETITIONS AND MEMORIALS.

By Senator Mills: a petition of citizens of Grimes county, asking that gates be allowed to be erected in Wallace's Prairie, on public roads. Read and referred to the Committee on State Affairs.

REPORTS OF STANDING COMMITTEES.

Reports of Committee on Judiciary:

COMMITTEE ROOM, }
Austin, Nov. 2, 1871.

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on Judiciary, to whom was referred House bill No. 538, to be entitled "An act prescribing the manner of selling lands where the same are owned jointly with others whose lands are not to be sold," after careful consideration, instruct me to report the same back and recommend that it do not pass.

Respectfully,

W. H. PARSONS, Chairman.

COMMITTEE ROOM, }
Austin, Nov. 2, 1871.

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on Judiciary, to whom was referred House bill No. 572, to be entitled "An act to increase the fees of sheriffs for the transportation of prisoners to the State penitentiary," after

careful consideration, instruct me to report the same back and recommend that it do not pass.

Respectfully,

W. H. PARSONS, Chairman.

COMMITTEE ROOM, }
Austin, Nov. 2, 1871. }

Hon. DON CAMPBELL,

President of the Senate :

SIR : Your Committee on Judiciary, to whom was referred House bill No. 593, to be entitled "An act further regulating and defining the jurisdiction of the district courts of this State," after careful consideration, instruct me to report the same back and recommend its passage.

Respectfully,

W. H. PARSONS, Chairman.

COMMITTEE ROOM, }
Austin, Nov. 2, 1871. }

Hon. DON CAMPBELL,

President of the Senate :

SIR : Your Committee on Judiciary, to whom was referred House bill No. 639, to be entitled "An act supplementary to the different acts providing for the authentication and registry of deeds and instruments of writing, and providing for making certified copies of deeds and other instruments of writing evidence in the various courts of this State," after careful consideration, instruct me to report the same back and recommend its passage.

Respectfully,

W. H. PARSONS, Chairman.

Report read and laid over under the rules.

Reports of Committee on Roads, Bridges and Ferries :

COMMITTEE ROOM, }
Austin, Nov. 2, 1871. }

Hon. DON CAMPBELL,

President of the Senate :

SIR : Your Committee on Roads, Bridges and Ferries, to whom was referred House bill No. 813, to be entitled "An act to establish a ferry across Trinity river, at Prewitt's old mill," after careful consideration, instruct me to report the same back and recommend its passage.

Respectfully,

J. G. BELL, Chairman.

COMMITTEE ROOM, }
Austin, Nov. 2, 1871. }

Hon. DON CAMPBELL,

President of the Senate :

SIR : Your Committee on Roads, Bridges and Ferries, to whom was referred House bill No 792, to be entitled "An act to incorporate the Karnes county Bridge Company," after careful consideration, instruct me to report the same back and recommend its passage.

Respectfully,

J. G. BELL, Chairman.

COMMITTEE ROOM, }
Austin, Nov. 2, 1871. }

Hon. DON CAMPBELL,

President of the Senate :

SIR : Your Committee on Roads, Bridges and Ferries, to whom was referred House bill No. 808, to be entitled "An act to incorporate the Gatesville Bridge Company," after careful consideration, instruct me to report the same back and recommend its passage.

Respectfully,

JOHN G. BELL, Chairman.

COMMITTEE ROOM, }
Austin, Nov. 2, 1871. }

Hon. DON CAMPBELL,

President of the Senate :

SIR : Your Committee on Roads, Bridges and Ferries, to whom was referred House bill No. 210, to be entitled "An act to authorize Howard Keys, C. D. McKnight, and their associates, to erect a toll bridge over Sabine river, in Wood county, after careful consideration, instruct me to report the same back and recommend its passage.

Respectfully,

JOHN G. BELL, Chairman.

COMMITTEE ROOM, }
Austin, Nov. 2, 1871. }

Hon. DON CAMPBELL,

President of the Senate :

SIR : Your Committee on Roads, Bridges and Ferries, to whom was referred House bill No. 769, to be entitled "An act to establish a ferry across the Neches river at the Bodenhamer crossing, county of

Houston, after careful consideration, instruct me to report the same back, and recommend its passage.

Respectfully,

J. G. BELL, Chairman.

Reports read and laid over under the rules.

COMMITTEE ROOM, }
Austin, Nov. 1, 1871. }

Hon. WEBSTER FLANAGAN,

President of the Senate, *pro tem.* :

SIR: Your Committee on Roads, Bridges and Ferries to whom was referred House bill No. 803, to be entitled "An act to authorize Jams R. Harrington to erect a toll bridge over White Rock creek, in Hill county, Texas," have had the same under careful consideration, and instruct me to report the same back, and recommend that it do pass.

Respectfully submitted,

J. G. BELL, Chairman.

Report read.

On motion of Senator Cole, the rules were suspended to consider the report and bill.

Bill read second time and passed to a third reading.

On motion of Senator Cole the rules were further suspended and House bill No. 803 read third time and passed

Report of Committee on Counties and County Boundaries :

COMMITTEE ROOM, }
Austin, Nov. 2, 1871. }

Hon. DON CAMPBELL,

President of the Senate :

SIR: Your Committee on Counties and County Boundaries, to whom was referred Senate bill No. 541, to be entitled "An act to increase the area and enlarge the boundary of Lamar county," have had the same under careful consideration, and have instructed me to report the same back to the Senate and recommend its passage.

P. W. HALL, Chairman.

Report read.

On motion of Senator Dohoney, the rules were suspended to consider the report and bill.

Bill read second time, ordered engrossed, and passed to a third reading.

On motion of Senator Cole the rules were further suspended, and Senate bill No. 541, read third time and passed.

Reports of the Committee on State Affairs:

COMMITTEE ROOM,
Austin, Nov. 2, 1871. }

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on State Affairs, to whom was referred House bill No. 369, entitled "An act to incorporate the South-western Forwarding and Express Company," after careful consideration, instruct me to report the same back and recommend its passage.

Respectfully,

S. W. FORD, Chairman.

COMMITTEE ROOM,
Austin, Nov. 2, 1871. }

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on State Affairs, to whom was referred House bill No. 511, to be entitled "An act to incorporate the Thomaston Grain Mill, Cotton Gin and Manufacturing Company," after careful consideration, instruct me to report the same back and recommend its passage, with the following amendment: Amend by striking out section three.

Respectfully,

S. W. FORD, Chairman.

Report read and laid over under the rules.

COMMITTEE ROOM,
Austin, Nov. 1, 1871. }

Hon. WEBSTER FLANAGAN,

President of the Senate, *pro tem.*:

SIR: Your Committee on State Affairs, to whom was referred Petition of J. T. Jackson, after careful consideration, instruct me to report the same back and recommend its reference to the Committee on Private Land Claims.

Respectfully,

S. W. FORD, Chairman.

Report read.

On motion of Senator Ford the rules were suspended to consider the report, and on further motion the report was adopted and the petition referred to the Committee on Private Land Claims.

COMMITTEE ROOM, }
Austin, Nov. 1, 1871. }

Hon. WEBSTER FLANAGAN,

President of the Senate *pro tem.* :

SIR: Your Committee on State Affairs, to whom was referred "Memorial from citizens of Fannin and Lamar counties, asking for a hog law," after careful consideration, instruct me to report the same back and recommend its reference to the Committee on Agricultural Affairs.

Respectfully,

S. W. FORD, Chairman.

Report read, and on motion of Senator Ford the rules were suspended, the report adopted and the memorial referred to the Committee on Agricultural Affairs.

Message from the House by the Chief Clerk, Mr. Gallant, returning Senate bill No. 240, "An act for the relief of R. S. Braine," with information that the House had passed the same without amendment.

And transmitting, for concurrence, House bills as follows: House joint resolution No. 32, "Joint resolution proposing an amendment to the Constitution of this State, to be known as article thirteen thereof;" House bill No. 147, "An act supplementary to 'an act to establish a code of criminal procedure for the State of Texas,' approved August 26, 1856;" House bill No. 644, "An act authorizing justices of the peace to appoint attorneys to represent the State in criminal cases coming up for trial or investigation before them, in absence of the district attorney;" House bill No. 780, "An act to fix the venue in suits against railroad and other companies chartered by the Legislature of the State of Texas;" House bill No. 807, "An act to amend section twenty-seven of 'an act to give effect to the several provisions of the Constitution concerning taxes,' approved April 22, 1871," House bill No. 824, "An act to amend section two hundred and twenty-eight of 'an act prescribing the mode of proceeding in district courts in matters of probate,' approved August 15, 1870;" House bill No. 840, to be entitled "An act to incorporate the Casino Society of Yorktown;" House bill No. 802, to be entitled "An act to validate an act entitled 'an act for the relief of the heirs of Henry Roberts, deceased,' approved November 10, 1866;" House bill No. 315, to be entitled "An act for the relief of the heirs of Phillip H. Coe;" House bill No. 333, to be entitled "An act for the relief the heirs of Benjamin L. Stranler;" House bill No. 276, to be entitled "An act for the relief of James Hays."

BILLS AND RESOLUTIONS.

By Senator Pridgen: a bill (Senate bill No. 542) to be entitled "An act appropriating seventeen thousand dollars for the better protection of the public buildings and archives of the State." Read first time.

Senator Pridgen moved to suspend the rules to consider the bill. Lost.

Senate bill No. 542 was then referred to the Committee on Public Buildings.

By Senator Dillard: a bill (Senate bill No. 543) to be entitled "An act granting to Dan Egbert the privilege of constructing and keeping a toll bridge and ferry across the Neches river." Read first time and referred to the Committee on Roads, Bridges and Ferries.

UNFINISHED BUSINESS.

House bill No. 99, "An act to incorporate the Cleburne and Cross Timber Railway Company."

The question being upon the passage of the bill to a third reading, on motion of Senator Broughton the bill passed to a third reading.

Senator Broughton moved to suspend the rules to read the bill a third time. Motion lost.

BILLS ON THIRD READING.

House bill No. 171, "An act to incorporate the Hebrew Benevolent Society of Brownsville and Matamoros in Brownsville, Cameron county, Texas." Read third time and passed.

BILLS ON SECOND READING.

House bill No. 714, "An act to incorporate the St. Mary's Institute." Read second time and passed to a third reading.

On motion of Senator Pettit the rules were suspended and House bill No. 714 read third time and passed.

House bill No. 692, "An act for the relief of William Seeger and E. B. Shields." Read second time.

Senator Ruby moved that House bill No. 692 pass to a third reading.

Yeas and nays called for and motion lost by the following vote:

Yeas—Baker, Ford, Pettit, Pridgen, Rawson, Ruby, Swift, Tindick—8.

Nays—Bell, Broughton, Cole, Dillard, Dohoney, Douglas, Evans, Flanagan, Hall, Hillebrand, Latimer, Mills, Parsons, Pickett, Saylor, Shannon—16.

On motion of Senator Pettit, Senator Swift was added to the several standing committees of which the late Senator Clark was a member.

BILLS ON SECOND READING.

House bill No. 573, to be entitled "An act in relation to insurance and foreign insurance agencies." Read second time.

Senator Ford moved to refer the bill to the Committee on State Affairs. Lost.

Senator Ruby offered the following amendment: Amend section eight by striking out the words "bonds of the United States or" and insert "bonds of the State of Texas."

Senator Bowers moved to amend the amendment by adding the words "or of the United States." Adopted.

The amendment as amended was then adopted.

Senator Mills moved to refer the bill to the Judiciary Committee. Lost.

Senator Saylor moved to amend section eight, by striking out the word "foreign" and inserting the words "each and every." Adopted.

Senator Pridgen offered the following amendment, which was lost: Amend by striking out the words "fifty thousand dollars" wherever it occurs in the bill.

Senator Saylor offered the following amendments, which were adopted:

"Section nine. After any life insurance company has received three or more annual payments on a life insurance policy, such company shall be forever precluded from impeaching or in any wise impairing the obligations of such policy, because of any fraud on the part of the insured in obtaining such policy.

"Section ten. That this act shall take effect and be in force from and after its passage."

Senator Douglas moved to amend by striking out section eight.

Yeas and nays called for and motion lost by the following vote.

Yeas—Broughton, Douglas, Evans, Ford, Latimer, Pickett, Pridgen, Tendick—8.

Nays—Baker, Bell, Bowers, Cole, Dohoney, Flanagan, Hillebrand, Parsons, Pettit, Rawson, Ruby, Saylor, Shannon, Swift—14.

Senator Bell offered the following amendment, which was lost:

Amend section eight by striking out "\$50,000" and inserting "\$100,000."

Senator Broughton moved to refer the bill and amendment to the Judiciary Committee. Lost.

The bill was then passed to a third reading as amended.

Senator Broughton moved to adjourn.

Yeas and nays called for, and the Senate refused to adjourn by the following vote :

Yeas—Broughton, Cole, Douglas, Evans, Ford, Hall, Latimer, Parsons, Pridgen—9.

Nays—Baker, Bell, Bowers, Dohoney, Flanagan, Hillebrand, Mills, Pettit, Pickett, Rawson, Ruby, Saylor, Shannon, Swift, Tindick—15.

BILLS ON SECOND READING—Resumed.

House bill No. 213, "An act to incorporate the Benevolent Association of Austin." Read second time and passed to a third reading.

Senator Pettit moved to suspend the rules to read the bill a third time. Lost.

House bill No. 211, "An act to release William Rice from paying State, county or city incorporation tax on the sale of goods, wares and merchandise in the State of Texas." Read second time, and on motion of Senator Dohoney rejected.

On motion of Senator Pridgen the rules were suspended to take from file Senate bill No. 454, "An act to incorporate the Rockport, Fulton, Laredo and Mexican Pacific Railroad Company."

The following House amendments were concurred in :

Amend section one by striking out all after the words "and may do and perform all the acts."

Amend section seven, by striking out after the words "the right of way is hereby granted to the company through," the word "and."

Amend section seven, by striking out all after the words "and maintenance of said road," and insert in lieu thereof the following: "said company shall acquire its right of way through lands patented or lands owned by private parties, in accordance with the provisions of the general railroad law of the State governing such matters."

BILLS ON SECOND READING—Resumed.

House bill No. 747, "An act authorizing a loan to meet deficiencies in the revenue of the State." Read second time.

Pending the further consideration of the bill, on motion of Senator Parsons, it was made the special order for to-morrow at 11½ A. M., and from day to day until disposed of.

On motion of Senator Gaines the Senate, at 12:45 P. M., adjourned to 10:30 A. M. to-morrow.

FORTY-SECOND DAY.

SENATE CHAMBER,
AUSTIN, TEXAS, Friday, Nov. 3, 1871. }

Senate met pursuant to adjournment. Senator Flanagan, President *pro tem.* presiding. Roll called. Quorum present.

Absent—Senators Broughton, Douglas, Fountain, Pyle, Rawson and Saylor.

Absent, excused—Senator Hertzberg and President Campbell.

Prayer by the Chaplain.

Journal of yesterday read and adopted.

PETITIONS AND MEMORIALS.

By Senator Hillebrand: A petition from the citizens of Bastrop, protesting against the formation of the county of Franklin. Read and referred to the Committee on Counties and County Boundaries.

By Senator Gaines: A petition of the citizens of Evergreen, praying for the formation of a new county. Read and referred to the Committee on Counties and County Boundaries.

By Senator Bowers: A petition of the citizens of Travis county for permission to David L. Cross to construct and keep a dam across the Colorado river. Read.

By leave, Senator Bowers introduced a bill (Senate bill No. 544), to be entitled "An act to authorize David L. Cross to construct and keep a dam across the Colorado river, for milling or manufacturing purposes." Read first time, rules suspended, read second time, ordered engrossed and passed to a third reading.

On motion of Senator Cole, the rules were further suspended and Senate bill No. 544 read third time and passed.

Message from the House by the Chief Clerk, returning, in compliance with the request of the Senate, Senate bill No. 523, "An act to incorporate the Houston Turn Verein."

Also, transmitting for concurrence the following House bills: